

Strategy – Clarifying the Current NC Mandatory Motorcycle Helmet Use Law to Increase Compliance of Legal Helmets

General Description

The popularity of motorcycles as a mode of transportation and recreation in North Carolina and across the United States has exploded. Motorcycle registration has increased from 65,247 in 1994 to 145,468 in 2004. Unfortunately, the number of motorcycle fatalities has also increased from 68 in 1994 to 134 in 2004. This increase in fatalities is unacceptable and has occurred despite increased rider training in the state. Many factors lead to motorcycle fatalities and injuries, including rider training, appropriate safety gear, alcohol use, speed, driver inattention, passenger car error, etc. All riders need to properly prepare themselves to ride including appropriate training and the wearing of safety gear.

The most recent national helmet usage observational survey that was done in 2002 revealed that 14 percent of motorcyclists were wearing non-compliant “fake” helmets. However, random observations throughout North Carolina would appear to indicate that the use of non-compliant helmets is much higher today. It is not readily apparent how many severe head injuries and fatalities due to head trauma are occurring due to the proliferation of these novelty helmets. However, the helmets offer no protection to riders and one can assume that there are a significant number of riders that are being injured or killed due to the lack of properly worn and approved head gear.

In order to correct this situation, North Carolina needs to eliminate situation that the wording of our current law, G.S. 20-140.4, creates. The wording currently reads “No person shall operate a motorcycle or moped upon a highway or public vehicular area: ... (2) Unless the operator and all passengers thereon wear safety helmets **of a type approved by the Commissioner of Motor Vehicles.**” (emphasis added). The problem occurs due to the fact that there is no guidance from the Commissioner on this law. There is no list, or directive explaining what type of safety helmet is approved and acceptable. This leaves the door open to any type of head covering to be worn. This creates a law that is unenforceable and places motorcyclists in an unsafe situation. It also creates a situation that places all taxpayers at risk to cover medical expenses for motorcyclists that require long-term care that is a result of preventable head injuries.

The successful implementation of this strategy will result in a safer riding situation for motorcyclists and a law that has “teeth.” The purpose of this strategy is to provide a clear understanding for all parties involved of the requirement for motorcyclist to wear helmets that will offer them protection in the event of a crash. By eliminating the vague guidance currently created by the law, motorcyclist will be safer on each and every trip and law enforcement will be able to better enforce a very important traffic safety law.

<i>Technical Attributes</i>	
Target	Motorcyclists that wear unsafe helmets or shells that compromise their safety due to vague wording in the current motorcycle helmet law.
Expected Effectiveness	With unsafe helmets being worn by more riders each year and the rider population increasing, it is anticipated that by clarifying the helmet requirements, safe and legal helmet usage will be more prevalent. This increase in safe helmet usage will translate into fewer and less severe head injuries and will lift some burden from taxpayers that are footing the medical bill for many riders that are being injured in motorcycle crashes.
Keys to Success	<ul style="list-style-type: none"> • Development of a technical revision to G.S. 20-140.4 (2) that eliminates the phrase “of a type approved by the Commissioner of Motor Vehicles” and changes it to reflect that only helmets that meet Federal Motor Vehicle Safety Standard (FMVSS) Number 218 are approved for use in North Carolina. • Coordination between law enforcement agencies, prosecutors, legislatures and the courts that this technical revision has been made in order to clarify the current motorcycle helmet law. • Public education involving news and print media. • Education of motorcyclists, motorcycle dealers, and potential motorcycle buyers of the requirement that all helmets being worn in North Carolina, by law, must meet FMVSS #218.
Potential Difficulties	<ul style="list-style-type: none"> • Passage of technical revision to G.S. 20-140.4. • Change in the compliance rates of helmets that meet this standard.
Appropriate Measures and Data	
Associated Needs	Mutual understanding and cooperation between the key players; Legislators, law enforcement, motorcyclists, dealers, and the judicial system.
Organizational, Institutional, and Policy Issues	Close working arrangements among traffic law enforcement, courts, and motorcycle dealers need to be in place. In many areas, cooperation between different police agencies (local police department, state highway patrol and/or sheriff’s department) may be required.
Issues Affecting Implementation Time	Early involvement of all stakeholders is a must. They should have as much warning as possible that the current law has been revised and clarified. Implementation time will be dependent on the passage of the technical revision and the effective date of the amendment. Once passed, time will be required to inform law enforcement, the courts, and motorcyclists of the change.
Costs	Cost for this strategy should be minimal.
Training	Training of law enforcement and prosecutors in identifying illegal helmets and the need for motorcyclists to be in compliance with the law. There will be a need to inform law enforcement officers of the revised law and educate them on the importance of issuing citations for motorcyclist that do not comply with the law.
Legislative Needs	Passage of technical revision to G.S. 20-140.4.